

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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The Estate of Joseph P. King,  
by and through its administrator  
Ad Prosequendum, Amy King,  
and Amy King, in her own right,  
Plaintiff,

v.

Joseph Ward, Superintendent  
of Mid-State Correctional Facility (NY),  
in his individual capacity; John Does  
Corrections Officers (1-10, fictitious  
individuals), in their individual capacities;  
Jami Palladino, Mid-State Social  
Worker, in her individual capacity; Hal  
Meyers, Mid-State Chief Mental Health  
Counselor, in his individual capacity;  
Anthony J. Annucci, Acting Commissioner,  
State of New York Department of  
Corrections, in his individual capacity; and  
Marie T. Sullivan, MD, Commissioner,  
State of New York Department of Mental  
Health, in her individual capacity.

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INDEX NO. 9:20-cv-1413

**JOINT STIPULATION AND [PROPOSED] ORDER TO AMEND CASE CAPTION AND  
AMEND THE COMPLAINT**

Plaintiffs and Defendants hereby enter the following Joint Stipulation and [Proposed] Order to Amend Case Caption and Amend the Complaint:

WHEREAS, Plaintiffs filed their Complaint on November 16, 2020 (Dkt. 1);

WHEREAS, Plaintiffs' Complaint improperly articulated the fiduciary role of Plaintiff Amy King;

WHEREAS, the Parties stipulated to the dismissal against on defendant – Joseph Ward – and the Court ordered such dismissal on March 24, 2021 (Dkt. 38);

WHEREAS, the remaining Defendants entered an Answer on March 24, 2021 (Dkt. 39);

WHEREAS, the Court entered a Uniform pretrial Scheduling Order setting the deadline for Amended Pleadings being due to the Court by June 21, 2021 (Dkt. 45);

WHEREAS, Plaintiffs filed an Amended Complaint on June 21, 2021 (Dkt. No. 50);

WHEREAS, Plaintiffs experienced a law office miscommunication and this Stipulation should have been entered and filed prior to or simultaneously with Plaintiffs' Amended Complaint;

WHEREAS, The Court entered an Order on June 22, 2021 directing Plaintiff to show cause how the filing of the Amended complaint complied with Fed. R. Civ. P. 15(a) (Dkt. No. 51) and the Parties submit this Joint Stipulation and Proposed Order in response thereto;

WHEREAS, the Parties have met and conferred regarding the allegations contained in Plaintiffs' First Amended Complaint;

WHEREAS, the Parties consent to Plaintiff's filing of the Amended Complaint (Dkt. No. 50);

WHEREAS, the Parties believe that for ease of reference and efficiency, the caption in this matter should be amended to remove Joseph Ward and the "John Doe Defendants";

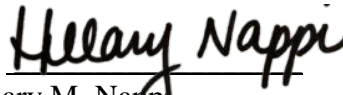
NOW THEREFORE, THE PARTIES HEREBY STIPULATE to the filing of Plaintiffs' Amended Complaint on June 21, 2021;

NOW THEREFORE, THE PARTIES HEREBY STIPULATE that the caption in this case shall read "The Estate of Joseph P. King, by and through its Administratrix, Amy King, and Amy King, in her own right, v. Anthony J. Annucci, Acting Commissioner, State of New York Department of Corrections, in his individual capacity; and Marie T. Sullivan, MD, Commissioner, State of New York Department of Mental Health, in her individual capacity, Jami Palladino, Mid-State Social Worker, in her individual capacity; Hal Meyers, Mid-State Chief Mental Health Counselor, in his individual capacity"

IT IS SO STIPULATED.

Dated: June 24, 2021

**Hach Rose Schirripa & Cheverie, LLP**

By:   
Hillary M. Nappi

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New York, NY 10016  
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Dated: \_\_\_\_ June 24, 2021 \_\_\_\_

LETITIA JAMES

Attorney General of the State of New York  
Attorney for Defendants

By: \_\_\_\_\_s/\_\_\_\_\_

Aimee Cowan, Esq.

Office of the Attorney General

300 S. State Street, Suite 300

Syracuse, New York 13202

Bar Roll No. 516178

Dated: June 25, 2021

A handwritten signature in black ink, reading "Mirsolav Lovric". The signature is written in a cursive style with a large, stylized 'M' and 'L'.

Hon. Mirsolav Lovric

U.S. Magistrate Judge